

**FILED**

JAN 10 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIEGO LYTHELL ANDERSON,

Defendant.

No. CR 11-00938 SBA (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Diego Lythell Anderson is charged in an indictment with a violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). On January 5, 2012, the United States moved for Mr. Anderson's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a full bail study. On January 10, 2012, defense counsel requested a postponement of the detention hearing in order to contact potential sureties. Defendant thus waived the timing of his right to proffer information in support of his pretrial release, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to

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1 present information by proffer or otherwise), and retained his right to make a proffer at a later  
2 proceeding. The Court did not take proffers from either party, and will reschedule a detention  
3 hearing upon request.


4  
5 II. CONCLUSION

6 The Court detains Mr. Anderson at this time. Because Defendant waived the timing of  
7 his right to present information under 18 U.S.C. § 3142(f) without prejudice, the Court orders  
8 that the hearing may be rescheduled at Defendant's request.

9 Mr. Anderson shall remain committed to the custody of the Attorney General for  
10 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or  
11 serving sentences or being held in custody pending appeal. Defendant shall be afforded  
12 reasonable opportunity for private consultation with counsel. On order of a court of the United  
13 States or on request of an attorney for the Government, the person in charge of the corrections  
14 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the  
15 purpose of an appearance in connection with a court proceeding.

16 IT IS SO ORDERED.

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18  
19 DATED: January 10, 2012

  
DONNA M. RYU  
United States Magistrate Judge